# **Minneapolis Charter Commission Minutes**

Regular Meeting
Wednesday, May 2, 2012 - 4:00 p.m.
Room 317 City Hall, Minneapolis, Minnesota

Commissioners Present: Clegg (Chair), Cohen, Connell, Ferrara, Gerdes, Johnson, Kozak,

Lazarus, Metge, Peltola, Sandberg, Schwarzkopf Commissioners Excused: Dolan, Lickness, Rubenstein Also Present: Burt Osborne, Assistant City Attorney

#### 1. Roll Call

Chair Clegg called the meeting to order at 4:01 p.m. Roll call was taken.

# 2. Adopt Agenda

Lazarus moved adoption of the agenda. Seconded.

Adopted upon a voice vote.

Absent - Dolan, Lickness, Rubenstein.

# 3. Approve Minutes of the regular meeting of April 4, 2012 and special meeting of April 25, 2012

Lazarus moved approval of the minutes of the regular meeting of April 4, 2012 and the special meeting of April 25, 2012. Seconded.

Adopted upon a voice vote.

Absent - Dolan, Lickness, Rubenstein.

#### 4. Chair's Report

Clegg stated that he would be unable to attend the June 5 Charter Commission meeting and requested that it be rescheduled to June 13 so that he could be present at the meeting the Commission will likely vote to place the Plain Language Charter Revision on the ballot.

Kozak moved that the June 5, 2012 Charter Commission meeting be rescheduled to June 13, 2012. Seconded.

Adopted upon a voice vote.

Absent - Dolan, Lickness, Rubenstein.

Included in Commissioner's packets was a memo from Assistant City Attorney Carol Bachun describing what Redistricting Group members should do with documentation in their possession related to redistricting.

# **Discussion**

## Plain Language Charter Revision: Update.

Clegg stated that he had received Draft 12(D) of the Plain Language Charter Revision (PLCR) from former Commissioner Brian Melendez, but had not yet forwarded it to Commissioners.

Former Commissioner Brian Melendez was present and stated that he had met with the City Attorney's Office, the Board of Business Agents, and the Park Board regarding concerns each had raised about provisions in Draft 12(C) of the PLCR, and he believed that all of those issues had been resolved and the results were now incorporated into Draft 12(D). Draft 12(D) contained footnotes indicating points where the Park Board and the City Attorney's Office did not agree with the content, but he was hopeful that those issues could be worked out. None of them, in his opinion, were major sticking points.

Ferrara felt that the Commission would benefit from a section-by-section review of the changes in Draft 12(D).

Susan Segal, City Attorney, was present and stated that there were very significant changes between Draft 12(D) and City Attorney's Office (CAO) redlined Draft 12(A). Draft 12(D) removed some of the CAO changes and widely expanded potential powers and options within the city that the Commission hadn't discussed. Deputy City Attorney Peter Ginder, an expert on the City Charter, finds new issues every time he reviews a new draft.

Clegg stated that he, the City Attorney's Office, and former Commissioner Melendez would meet to address those issues during the next month.

Peltola suggested that it would be helpful to have a briefing on the changes to the latest version of the PLCR provided at the next meeting.

Ferrara stated that it was important to have transparency in the process and have the Commission discuss the issues raised by the City Attorney.

Connell stated that after hearing the City Attorney's report, he would not be prepared to vote on the PLCR at the June meeting unless he had a more clear understanding of the differences the City Attorney spoke of and Mr. Melendez' response to them.

Metge agreed and suggested using the original June 5 meeting date if there was a need for Commissioners to have more information and hear both sides of the issues. She was also not prepared to vote on the PLCR if there was that much concern by the City Attorney.

Clegg stated that Mr. Melendez would be invited to the June Charter Commission meeting to give an overall presentation and highlight any remaining differences between the current draft and the City Attorney's Office.

#### 6. Discussion concerning redistricting best practices.

Clegg asked that Redistricting Group members share observations and suggestions relating to the redistricting process which would be formalized and preserved for the next Redistricting Group.

# Clegg

- Load software and census data months in advance of the deadline in order to produce a sample map earlier to allow more time for the public to organize and comment and to allow time for public hearings in addition to the four required.
- In advance of the next redistricting process, analyze whether economic diversity has a role in the process.

#### Ferrara

- Hold the meetings when the maps are actually drawn at times more accessible to the public, perhaps holding some of those meetings on weekends or evenings.
- In advance of redistricting, put more effort into educating the public and communities of interest on the redistricting process and how they can be engaged in the process.

#### Peltola

- Make legislative, charter, and ordinance changes that would change the parameters within which the Redistricting Group operates.
- Set aspirational goals.
- Seek grant money and foundation support.

#### Connell

Special interest groups that get involved early in the process have an advantage, and once
the map is changed to benefit a special interest group, it is difficult to make other changes.
It would be helpful to the overall process if there were a way to be more fair and to equalize
some of that advantage.

# Metge

- The community engagement strategy used by the Redistricting Group should be a model for other commissions to follow.
- Holding the public hearings in accessible community locations helped encourage the turnout of diverse communities.
- The support of the Elections, Clerk's, and City Attorney's Office was appreciated.
- There had been confusion over the two maps used for the second set of public hearings.
   There should be more structure to the process about when the maps are changed.

#### Sandberg

- Amend Charter language that does not allow election judges to be Advisory Group members because they are considered city employees.
- The Commission needs to own and control the data used in the communication process as city offices do not always have the correct or most up-to-date data.
- Begin solicitation for the Advisory Group much earlier and solicit from more than just neighborhood and ethnic groups, such as churches, business, and other organizations.

#### Kozak

- The transparency of the 2012 process was satisfying.
- The early committee work that set the structure of the process was important.
- The communication process should be started early, as well as creating a first map as early as possible.
- Having two maps at the second set of public hearings created confusion for the public.

#### Cohen

- Turning the Redistricting Group's last meeting into a public hearing was a serious mistake
  and unfair to the people that attended the first four public hearings because they didn't know
  there was going to be a fifth public hearing.
- Substantive changes were made to the map at the last meeting based on input from the public.
- The final meeting should not have been opened to the public.

# Schwarzkopf

- Take the steps necessary to change the February 21 date to January 1 to allow the Redistricting Group almost two more months and failing that, take the steps necessary to change the date when the Redistricting Group must complete its work.
- Change the requirement that Advisory Group members cannot be election judges.
- Pass on the Redistricting Principles to the next Redistricting Group with the change that Redistricting Group members shall not try to protect specific neighborhood lines.

#### Jill Garcia

- The transparency of the process was very good.
- The public hearings and their locations in the community were very good.
- Having the Redistricting2012 email address was helpful and expedient.
- Support from the City Attorney's Office and the City Clerk's Office was appreciated.
- Improve outreach and recruitment for members of the Advisory Group with an emphasis on looking at what communities of interest are and recruiting from those groups.
- Have public education sessions regarding the legal parameters that guide the Redistricting Group's decisions and define redistricting terms as well as what the percentages mean.
- Hold Operations Committee meetings at times more accessible to the public, perhaps at the same time Redistricting Group meetings are held, to give consistency to all meeting times.
- Provide the video on redistricting in different languages as well as adding ASL interpretation.
- Provide the Redistricting Group with education on cultural differences, expectations, and ways of communicating.

#### Jeanne Massey

- There was tension between the neighborhood groups and the other groups that came forward to offer perspective.
- Neighborhood associations and community organizations don't always represent everyone in the community.
- The final maps are sufficient for the East African and Latino communities to potentially gain representation in the coming decade.
- Front-load the outreach and input process more. Engage the community a couple of years earlier to identify communities of interest and to start projecting where those discussions might go so there is not as much new information late in the process.
- The City could hire a community outreach person to help engage the community.
- Use emerging technology to allow the public to draw their own maps using the same software used by the Redistricting Group.
- A solution to contention between two groups in the same area could be to have fewer, larger districts with proportional representation.

#### Carol Bachun, Assistant City Attorney

- Determine what changes need to be made to the charter, principles, and redistricting rules relating to: (a) Whether Advisory Group members can run for office or be election judges;
   (b) Whether the Charter Commission should notify the Park Board of potential changes or whether the Park Board would provide input like other members of the public; and (c) Consider changes to allow the Redistricting Group to meet after their work is done to discuss possible litigation.
- Rather than having the Operations Committee do the mapping, have the Redistricting Group do it, with a specific quorum, with later meeting times and/or on weekends to allow participation from all interested members and allow for uniform meeting notices.
- Obtain a shared software license so all Redistricting Group members have the tools to draw maps.
- Use a poster with etiquette rules at the public hearings and during public comment sessions.

- Update neighborhood lines to insure the Redistricting Group has the most accurate neighborhood lines to work with.
- Advocate for change to the statute so the legislative lines have to be drawn earlier.
- Load census data into the software earlier.
- Prepare the timeline at the beginning of the process with all meetings and public hearings scheduled.

# Casey Carl, City Clerk

- Thanked the Redistricting Group on behalf of the City Council
- The Charter Commission could become engaged in the City's census process to help identify communities of interest and begin outreach and education. The way people selfreport in a census has a significant impact on how the lines are drawn. The Charter Commission could help advertise and bring publicity to the importance of participating in the census.

# Garth Dietrich, GIS Consultant for the Redistricting Group

- It was difficult having multiple individuals from the public address him directly for information. It would be helpful to have all requests come through one individual.
- The timeline caused him to work until 2 am five nights in a row on precincts, and he felt a huge injustice was done to the Elections Office.
- Get the maps out early. It can be done without worrying too much about the legislative lines. Changes due to the legislative lines were minimal.
- Larger venues are needed for the public hearings.
- The last meeting felt like another public hearing. There were significant changes to the map at the last meeting.

# Susan Segal, City Attorney

- Thanked the Redistricting Group for their work.
- Offered the assistance of the City Attorney's Office in all future endeavors.

## Mike Dean, Executive Director, Common Cause

- The redistricting process in Minneapolis was much more transparent than it tended to be across the country. People could actually see the process and understand it and because of that, they had a lot more trust in what happened. The large amount of citizen engagement led to a better map.
- Encouraged a more formal review process than what took place today. Feedback should also be obtained from the community.
- Changes should be institutionalized either by charter or ordinance change.
- Put together a road map going forward. The public wasn't clear on exactly what was always going on. A true calendar wasn't developed until early February.
- Begin the process early and identify communities of interest.
- Prioritize the Redistricting Principles in terms of the decision making process. It was unclear, for example, if communities of interest were more important than neighborhood lines.
- Develop a conflict policy for Redistricting Group members.
- Identify better resources for public engagement. The City should allocate a significant sum
  of money for public education.
- Advocate for change in the way the state organizes redistricting regarding the timeline.
- A criticism of the last two redistricting processes is that the map changed a lot on the last day.

Use a mapping tool such as drawminneapolis.org to democratize the process. Allocating
more software licenses to Redistricting Group members would only keep the process behind
closed doors.

# 7. Discussion of Council's request on question of Charter provision regarding financing of professional sports facilities.

Clegg explained that a request had been received from the Intergovernmental Relations Subcommittee of the Committee of the Whole, although it had not yet passed the full City Council, that the Charter Commission review the stadium financing bill to determine if the proposal for funding a Vikings stadium complied with the Minneapolis City Charter and if it required a referendum as stipulated in Chapter 15, Sections 9 and 13, of the Charter. A study group of the Charter Commission had met on Monday, April 30, and the consensus of the group was that the Commission should reply to the request but not until there was a final law passed. The consensus was that the response should be that a special law overrides the Charter and if a special law provides that no referendum is necessary, then no referendum is necessary. It would be made clear in any response that the Charter Commission is not providing legal advice and that the response was the informal, non-binding view of the Charter Commission.

Kozak stated that he would recuse himself from the discussion and any votes pertaining to this matter.

Sandberg noted that this was a request from a subcommittee and not yet approved by the full City Council.

Lazarus stated that he held the minority opinion in the study group that this was an inappropriate request. The City Council can obtain a legal opinion from the City Attorney. There is no need to involve the Charter Commission. The Charter Commission is being asked to become involved and entangled in the political discussion of the stadium. Becoming involved in politics tarnishes the independence of the Charter Commission and is beyond the scope of their function.

Connell agreed with Commissioner Lazarus and would not support any response by the Charter Commission that took a position other than that articulated by the Chair regarding the power of a special law to overrule a charter provision.

Peltola stated that it would be up to a court to decide if something violated the Charter.

Johnson felt that the Charter Commission had a duty to look into the request but could not respond without enough facts in front of them. The Commission was not in a position to make this kind of judgment.

Ferrara agreed with Commissioner Lazarus. It would be inappropriate for the Commission to respond to the request in any way other than stating that the Charter Commission is not political and should not be used to influence a City Council vote, which seemed to be the intent of the request.

Lazarus moved that the Charter Commission decline to respond as the request of the Intergovernmental Relations Subcommittee was beyond the scope of the Charter Commission's statutory duties. Seconded.

Clegg stated that since there was no law yet, the question was premature, and it would be premature to answer it.

Metge stated that if the request was approved by the IGR subcommittee, there must be some information that the Commission was not privy to, and without anyone present from the subcommittee, she concurred that it was premature to act on it at this point, over and above the issue.

Schwarzkopf noted that Council Member Goodman, who had supported the request, attended the study group and answered questions and offered additional background about the motion.

Sandberg stated that she could not support the motion because she would like to have people feel free to come forward to the Charter Commission with questions.

Connell asked the City Attorney's Office to opine. Peter Ginder, Deputy City Attorney, stated that under Minnesota Statute, Chapter 410, the obligations of the Charter Commission were to frame and amend the charter, accept citizen petitions, propose amendments, and hear City Council proposals to amend the Charter.

Lazarus called the question.

Lazarus' motion that the Charter Commission decline to respond as the request was beyond the scope of the Charter Commission's statutory duties was adopted. Yeas, 6; Nays, 4 as follows: Yeas - Connell, Ferrara, Gerdes, Johnson, Lazarus, Peltola.

Nays - Cohen, Sandberg, Schwarzkopf, Clegg.

Declining to vote - Kozak, Metge.

Absent - Dolan, Lickness, Rubenstein.

# **Public Commentary**

Michael Katch, 111 Marquette Avenue South, stated that the special law that would exempt the charter had been stripped out of the house version of the stadium bill which now only exempted expenditures on Target Center. Currently with both bills, a referendum would be required. If it goes to the courts, it will be far more expensive. Outside counsel may be needed to draft a legal opinion in order to figure out what direction to take. The current legal opinion is not in writing, which is one of the reasons why the legislature has basically stripped the protections against having a referendum. He was certain there would be a challenge and hoped that the Charter Commission would become involved in the process.

Dan Cohen, 1215 Edlin Place, speaking as a citizen not as a Charter Commissioner, stated that there was a way to finance the stadium with thirty year revenue GEO bonds issued by the state and secured by the Viking lease which would have given the Vikings the advantage of having the lowest possible interest rate and would have given them the opportunity, through the leasing arrangement, to recover their costs, expenses, and make a profit on their customers and on the sale of television and ancillary rights. If the Vikings defaulted, then there would have been a statewide obligation using the state taxing power. He did not understand why this was never approached; possibly because the Vikings didn't see enough profit in it. There was also a role played by the local newspaper. Editorials in the past opposed the expansion of gambling, but now when their own real estate interests were affected by the matter, they were in favor of it. In his opinion, the gambling device being proposed was one of the most predatory and had the highest margin of profit for the issuer. He did not like to see the state and the city sponsor public projects using these kinds of proposals.

Sarah Chandler, 720 6th Avenue Southeast, and Elise Kuzler, 702 4th Street Southeast, were present representing Democracy Matters, a University of Minnesota non-partisan politically-motivated organization concerned with political accountability and the influence of private money in American government. They were before the Commission advocating for public financing of campaigns within the city of Minneapolis implemented through a referendum. Fair and clean

publicly-funded elections would provide a means for qualified citizens to have the financial access to seek public office, and elected officials would be solely accountable to their constituents as opposed to holding accountability to their highest campaign donors. Cities that have already adopted a publicly financed system include Portland, Oregon and Albuquerque, New Mexico, as well as the states of Maine, Arizona, Connecticut, and North Carolina. They asked for the Charter Commission's input on what they would like to see in the drafting of a referendum of this nature.

Clegg explained that a proposal would have to come before the Charter Commission in June to allow time for the Council to draft ballot language by the July 10 deadline. He also advised that the group research state law to determine if public financing of campaigns was permitted under state law. If not, a charter amendment allowing it would not be permitted.

Connell stated that he thought the Charter Commission would welcome the opportunity to consider a potential amendment were he Democracy Matters group to present one.

Ferrara explained the petition process, suggesting they include as part of their mission a plan to educate the public regarding the proposal.

Peltola stated that he was looking forward to receiving charter change proposals after the Commission completed its work on the Plain Language Charter Revision.

Lazarus moved to adjourn. Seconded. Adopted upon a voice vote. Absent - Dolan, Lickness, Rubenstein.

The meeting was adjourned at 6:26 p.m.

Peggy Menshek
Charter Commissioner Coordinator